

CLAIMS OF S.N. 09/846,352

Claim 1. A biopolymer marker peptide consisting of SEQ ID NO:1 diagnostic for Type II diabetes.

Claim 3. A method for diagnosing Type II diabetes comprising:

(a) obtaining a sample from a patient;

(b) conducting mass spectrophotometric analysis on said sample in a manner effective to maximize elucidation of discernible peptide fragments contained therein; and

(c) comparing mass spectrum profiles of a peptide consisting of SEQ ID NO:1 to mass spectrum profiles of peptides elucidated from said sample; wherein recognition of a mass spectrum profile in the sample displaying the characteristic profile of the mass spectrum profile for the peptide of SEQ ID NO:1 is diagnostic for Type II diabetes.

Claim 6. The method of claim 3, wherein the sample is an unfractionated body fluid or a tissue sample.

Claim 7. The method of claim 3, wherein said sample is selected from the group consisting of blood, blood products, urine, saliva, cerebrospinal fluid, and lymph.

Claim 8. The method of claim 3, wherein said mass spectrophotometric analysis is Surface Enhanced Laser Desorption Ionization (SELDI) mass spectrometry (MS).

Claim 9. The method of claim 3, wherein said patient is a human.

Claim 10. A Type II diabetes diagnostic kit comprising: (a) a peptide consisting of SEQ ID NO:1 and (b) an antibody that binds to said peptide in a sample from a patient.

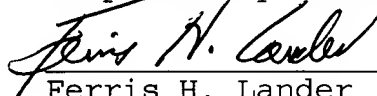
Claim 11. The diagnostic assay kit of claim 10, wherein said antibody is immobilized on a solid support.

Claim 12. The diagnostic kit of claim 10, wherein said antibody is labeled.

In an effort to maintain equivalent scope in these applications, Applicant would appreciate the Examiner's reconsideration of the requirement to include a similar grouping of claims. Applicant would amend the claims in a similar fashion in this application, so as to be commensurate in scope.

If the Examiner is amenable to these changes, please contact the undersigned via telephone, and a supplemental response will be filed immediately in order to expedite prosecution.

Respectfully submitted,



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